

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 39

December 11, 2001

**SUBJECT: CRITICAL INCIDENT INVESTIGATION DIVISION - ESTABLISHED**

**PURPOSE:** The United States Department of Justice and the City of Los Angeles have entered into a legally binding agreement known as the Consent Decree. Among other things, the Department has agreed to establish a new division that is responsible for investigating Categorical Use of Force incidents.

This Order establishes Critical Incident Investigation Division (CIID), and deactivates the Officer-Involved Shooting (OIS) Section, Robbery-Homicide Division, and the Law Enforcement-Related Injury (LERI) Investigation Section, Detective Headquarters Division. This Order also assigns various responsibilities regarding investigations conducted by CIID.

**PROCEDURE:**

**I. CRITICAL INCIDENT INVESTIGATION DIVISION - ESTABLISHED.**

Critical Incident Investigation Division is activated and operates under the direction of the Commanding Officer, Operations-Headquarters Bureau (OHB).

The Officer-Involved Shooting Section (Robbery-Homicide Division), and the Law Enforcement-Related Injury Investigation Section (Detective Headquarters Division), are hereby deactivated and replaced by CIID.

**II. CRITICAL INCIDENT INVESTIGATION DIVISION - FUNCTIONS.**

Critical Incident Investigation Division is responsible for conducting **administrative** investigations for the following incidents:

- \* The use of deadly force (e.g., discharge of a firearm) by a Department employee;
- \* All uses of an upper body control hold by a Department employee, including the use of a modified carotid, full carotid or locked carotid hold;
- \* All deaths while the arrestee or detainee is in the custodial care of the Department (also known as an In-Custody Death or ICD);
- \* A use of force incident resulting in death (also known as a Law Enforcement Activity-Related Death or LEARD);

- \* A use of force incident resulting in an injury requiring hospitalization (also known as a Law Enforcement Activity-Related Injury or LERI);
- \* All head strikes with an impact weapon (e.g., baton, flashlight, etc.);
- \* An incident in which a member of the public is bitten by a Department canine and hospitalization is required. (Under Department policy, a canine bite is not a use of force but has been included in this category to satisfy the provisions of the Consent Decree);
- \* Accidental discharge of a firearm;
- \* Animal shootings; and,
- \* Incidents where the Department has agreed to conduct similar critical incident investigations for a non-Department entity, such as a Los Angeles Fire Department Arson Unit tactical officer-involved shooting incident.

All incidents that do not meet CIID investigative criteria shall continue to be reported and investigated at the Area/divisional level.

**III. RESPONSIBILITY FOR CRIMINAL INVESTIGATIONS.** Though CIID is in charge of the scene, CIID is not responsible for investigating any crime(s) associated with an incident for which they have administrative investigative responsibility. Many incidents investigated by CIID are strictly administrative and do not require an on-scene criminal investigation. However, when an on-scene criminal investigation is required for an incident being investigated by CIID, RHD shall assume criminal investigative responsibility for the following incidents:

- \* The use of deadly force (e.g., discharge of a firearm) by a Department employee;
- \* The use of an upper body control hold by a Department employee;
- \* An incident involving a death;
- \* An incident in which a department employee is the victim of a crime directly related to the incident being investigated by CIID, e.g., Assault with a Deadly Weapon or Battery on a Police Officer; and,
- \* When the Chief of Police or his designee determines that RHD should handle the criminal investigation.

All other crimes shall be investigated at the Area/divisional level except for incidents that are assigned to Internal Affairs Group (IAG), in which case IAG shall assume responsibility for both the administrative and criminal investigations.

**IV. CRITICAL INCIDENT INVESTIGATION DIVISION - SPECIAL DUTIES.**

Critical Incident Investigation Division is responsible for the following special duties:

- \* Attending all autopsies resulting from incidents within its investigative purview;
- \* Notifying the Department of Justice, Bureau of Criminal Statistics, of each in-custody death in writing within ten days of occurrence, and providing all relevant information;
- \* Notifying the State of California Board of Corrections in writing within ten calendar days of the occurrence of each in-custody death of a detained juvenile and providing all requested information;
- \* Maintaining files of reports pertaining to officer-involved shootings, in-custody deaths, other law enforcement activity-related deaths, and all other investigations conducted by CIID;
- \* Responding to Subpoenas Duces Tecum and other court orders that pertain to CIID investigations and records; and,
- \* In all cases where an individual sustains a gunshot wound, and in other CIID cases as appropriate, preparing and forwarding a news release to Media Relations Section, Community Affairs Group, OHB, and the Use of Force Review Board Coordinator, Human Resources Bureau.

**V. CRITICAL INCIDENT INVESTIGATION DIVISION - ORGANIZATION AND ASSIGNMENT.** Critical Incident Investigation Division is composed of:

- \* Office of the Commanding Officer;
- \* Administrative Section;
- \* Special Projects Unit; and,
- \* Investigative sections.

Investigators assigned to CIID shall be detective supervisors or sergeants. Managers (captain and above) and supervisors shall take into account all appropriate information from existing Department data sources (e.g.,

Complaint Index, TEAMS) as well as all pending complaint files when considering an officer for assignment, pay grade advancement, or promotion to CIID.

**VI. CRITICAL INCIDENT INVESTIGATION DIVISION - COMMANDING**

**OFFICER.** The Commanding Officer, CIID, under the direction of the Commanding Officer, OHB, has line command over CIID.

**VII. CRITICAL INCIDENT INVESTIGATION DIVISION - UNIT**

**DESIGNATION.** The radio unit designation for the Commanding Officer, CIID, shall be identified by the word "commander" followed by "7D." All other CIID personnel shall be identified by "7D" followed by the numerical designation assigned by the Commanding Officer, CIID.

**VIII. CRITICAL INCIDENT INVESTIGATION DIVISION - CORRESPONDENCE**

**REFERENCE NUMBER.** Critical Incident Investigation Division is assigned correspondence Reference Number 8.6. Official correspondence addressed to, or initiated by, CIID shall bear the assigned reference number.

**IX. CRITICAL INCIDENT INVESTIGATION DIVISION INVESTIGATIONS.**

**A. Notifications.**

**1. Watch Commander/Department Command Post**

**Responsibilities.** The watch commander or officer in charge who receives initial notification of an incident for which CIID has investigative responsibility shall immediately notify the Department Command Post (DCP), Communications Division. The DCP shall make the appropriate notifications which shall include the:

- \* Critical Incident Investigation Division (or the designated on-call CIID team during non-business hours);
- \* Office of the Chief of Police;
- \* Office of the Inspector General (OIG) on behalf of the Board of Police Commissioners;
- \* Operations-Headquarters Bureau;
- \* Risk Management Group; and,
- \* Los Angeles District Attorney's Office for those cases identified in the "roll out" protocol governing such notifications.

2. **Notification to the District Attorney and Inspector General.** The CIID officer in charge of the incident shall ensure that the Los Angeles County District Attorney's Office has been notified promptly on those cases identified in the roll out protocol, and that the OIG is notified on all CIID cases. Currently, the roll out protocol requires such notification in the event of an in-custody death, or any death of an individual in the control of the Department or any member of the Department; when a use of force may be the proximate cause of death; or when a sworn Department employee, on- or off-duty, shoots and injures a member of the public during the course and scope of the officer's employment.
3. **Liaison with the District Attorney and Inspector General.** The assigned CIID investigator or his supervisor shall liaise with the assigned deputy district attorney and Inspector General to ensure that both are briefed and allowed to observe the investigation.

**B. Investigations.**

1. **Response and Crime Scene Responsibilities.** Critical Incident Investigation Division shall be available to respond 24-hours a day to incidents for which it has investigative responsibility. Upon receiving notification of an incident, a CIID investigator shall respond to the scene promptly. When multiple investigating entities are present, the senior CIID member present shall have overall command of the crime scene and the on-scene investigation. This does not preclude the Chief of Police, the Chief of Staff, the Department Commander or the Chief's Duty Officer from assuming command when there is a specific need to do so.
2. **Critical Incident Investigation Division Responsibilities.** Critical Incident Investigation Division investigators shall follow established Department procedure for investigating all incidents for which it has investigative responsibility. Additionally, CIID investigators shall:

- \* Record their interviews of all involved officers and witnesses;
- \* Interview witnesses at locations and times convenient to them, whenever it is practical and appropriate;
- \* Prohibit group interviews;
- \* Interview all involved supervisors regarding their conduct at the scene during the incident;
- \* Coordinate the collection and preservation of all appropriate evidence, including canvassing the scene to locate possible witnesses if appropriate; and,
- \* Identify and document all inconsistencies in officer and witness interview statements.

**3. Watch Commander/Incident Commander**

**Responsibilities.** After all public safety concerns have been addressed, the watch commander, Area of occurrence, or incident commander shall ensure that involved officers and witness officers are transported from the scene, physically separated unless logistical problems (e.g., the number of involved officers and/or supervisors) preclude individual separation, and monitored to eliminate the possibility of contaminating their statements prior to their interview by CIID personnel. During that time, the watch commander/incident commander shall ensure that the welfare of the involved officer(s) is addressed.

**4. Investigations Involving Misconduct.** Whenever a CIID investigation involves an allegation(s) of serious misconduct or the investigation reveals serious misconduct, the Commanding Officer, CIID, or senior officer in charge of the CIID investigation shall notify the Chief of Police or his designee and the Commanding Officer, IAG, immediately. In accordance with Department Manual Section 3/794.32, when it is determined that an officer is involved in serious misconduct, IAG shall assume responsibility for the criminal and administrative investigation. If IAG assumes investigative responsibility after a CIID investigative control number has been issued (e.g., OIS number), the Board of Police Commissioners shall be notified by IAG of the old CIID and new IAG numbers.

**5. Directed Referral to Behavioral Science Services.**

The commanding officer of an employee involved in a Categorical Use of Force (occurring on or off-duty) resulting in death or serious injury shall:

- \* Notify Behavioral Science Services (BSS) within two administrative working days of the incident;
- \* Schedule an appointment for the employee with BSS for a psychological evaluation by a licensed mental health professional; and,
- \* Forward an Intradepartmental Correspondence, Form 15.2, to the Commanding Officer, OHB, within 30 calendar days of the incident confirming compliance with these guidelines and including the date of the BSS visit. A copy of the Form 15.2 shall be maintained at the involved Area or specialized command.

Matters discussed during this evaluation shall be strictly confidential; however, BSS shall provide the employee's commanding officer with a recommendation as to the officer's return to field duty. No employee shall return to field duty until approval is given by his or her commanding officer after receiving BSS's recommendation and concurrence has been obtained from the employee's bureau commanding officer.

- 6. Duty to Assess Supervisorial Response.** The commanding officer of the involved officer(s), in consultation with CIID investigators, shall analyze the circumstances surrounding the presence or absence of a supervisor at a Categorical Use of Force incident. After conferring with the bureau commanding officer, the involved employee's commanding officer shall then prepare and forward an Intradepartmental Correspondence, Form 15.2, to the Commanding Officer, CIID, within seven days of the incident confirming that such an assessment has been conducted. The original Form 15.2 shall be retained by CIID with its investigation, and a copy shall be maintained at the Area/divisional level. Appropriate supervision for these incidents shall also be addressed by the Use of Force Review Board and any action with respect to

supervision generally should flow from that process.

**X. DISTRIBUTION OF REPORT.** The original and all copies of the final CIID administrative report shall be marked "CONFIDENTIAL." The Commanding Officer, CIID, shall retain the original and distribute copies to the Office of the Inspector General (for the Board of Police Commissioners), Risk Management Group, and the Department's Use of Force Review Board.

**AMENDMENTS:** This Order amends/deletes Sections 2/642.02, 2/642.39, 2/645.01, 2/645.08, 2/645.60, 2/645.61, 2/645/65, 3/409.20, 3/794.10, 3/794.15, 3/794.20, 3/794.25, 3/794.30, 3/794.35, 3/796.01, 3/796.05, 4/110.20, 4/238.35, 4/245.15, and 5/080.96 and adds Section 2/609 to the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, OHB, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

**BERNARD C. PARKS**  
Chief of Police

**DISTRIBUTION "D"**